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PHAM, HUONG Q

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed on 3/18/2008 have been fully considered but they are not persuasive.

Baxter teaches a cover having film 18, 20 having a predefined form, said film formed of a flexible, liquid impervious material, said form defining at least one substantially circular opening; a first resilient band attached to said film at said circular opening and disposed so as to encircle each of said at least one circular opening; an absorbent medium 34 attached to said film 18, 20.

Silverberg teaches the use of at least 2 resilient bands 36 (figures 2 and 9) for water tight seal: first resilient band 36 (figure 2) attached to a film at a circular opening and adjacent to and at a predetermined distance from a second resilient band 36 so as to encircle the circular opening.

Note in figure 9 of Silverberg that the plurality of resilient bands 36 is only needed at the circular opening in order to keep a water tight seal. As shown in figure 9 of Silverberg, Silverberg only needs to provide one single

band 36 at the middle portion of the sleeve: therefore, Silverberg teaches that only one resilient band is needed at the middle portion of the sleeve.

Kling et al teaches the use of 2 resilient bands 111, 112 for water tight seal: an absorbent medium 103 (figure 2) disposed only between first and second resilient bands 111, 112 and totally occupying the space between the resilient bands to trap moisture in the absorbent pad 103 and to prevent the moisture to escape beyond the resilient bands from the absorbent pad 103.

Infantino et al teaches the use of 2 resilient bands 212 , 144, 142, 150, 146 for water tight seal : absorbent bumpers 410 (figure 15) ; absorbent pad 214 spanning between elastic members 212 and substantially occupying the space between the elastic members 212 (figure 10) ; and elastic 144, 150, 142, 146 (figure 6N) with the absorbent pad disposed between the elastic 144,142 .

Providing the teaching of Silverberg to have plurality resilient bands at the opening of a protective cover for a water tight seal; and providing the teachings of Kling et al and Infantino et al wherein an absorbent medium occupies the space between the resilient bands in order to keep the moisture in and out, it would have been obvious to one ordinary skill in the

art at the time the invention was made to modify the water tight seal structure at the opening of the device of Baxter by replacing the resilient band 40 of Baxter with plurality of resilient bands comprising first and second resilient bands; and therefore, it is well within the realm of one ordinary skill in the art at the time the invention was made to enclose the absorbent medium 34 of Baxter between the first and second resilient bands such that the absorbent medium 34 is totally occupying the space between the first and second resilient bands in order to form a water tight seal at the circular opening for the cover.

Applicant argues that the use of a second band would destroy Baxter's attempt to provide flexure between film elements 18 and 20, and the use of a second band would destroy Baxter's need for permitting air circulation through the interior of tube 18 to dry the absorbent pads 28, 32, 34.

The examiner does not agree.

Note in figure 9 of Silverberg that the plurality of resilient bands 36 are only needed at the circular opening in order to keep a water tight seal. As shown in figure 9 of Silverberg, Silverberg teaches that the needs for

plurality bands 36 are only at the opening of the sleeve, and that only one resilient band is needed at the middle portion of the sleeve.

In order to provide a better water seal at the opening of the protective cover of Baxter by providing plurality resilient bands only at the opening of the protective cover of Baxter , as discussed above, it is the examiner's position that the provision for the additional second resilient band would not destroy Baxter's need for permitting air circulation through the interior of tube 18 in order to dry the absorbent pads.

Note in figure 2 and figure 3 , Baxter shows that some of the air circulation holes 26 are provided at the very upper part of the protective cover (where the absorbent pad 34 is) . Therefore , as for the pad 34, by providing 2 resilient bands only at the opening of the protective cover of Baxter, the air can still be circulated through the air circulation holes 26 (provided at the very upper part of the protective cover where the absorbent pad 34 is) to dry the absorbent pad 34 . As for the lower pads 28 and 32, these pads can still be dried by the air circulation through the air ventilation holes 26 to the space between the tubes 18 and 20 .

Applicant argues that Kling et al's device and Infantino's device are intended to keep moisture in, and not out. Note that Kling et al's device and

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Infantino's device are intended to keep moisture in, and therefore, these devices also keep the moisture from the outside to enter the inside.

/Huong Q. Pham/

Examiner, Art Unit 3772

/Patricia Bianco/

Supervisory Patent Examiner, Art Unit 3772